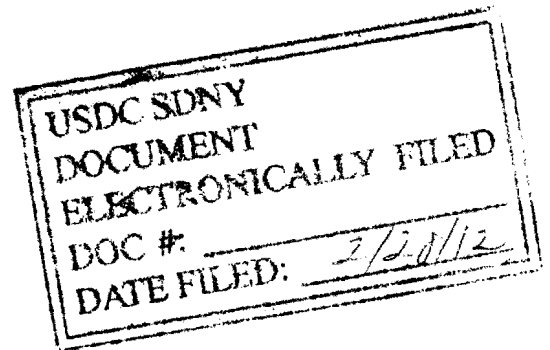


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
IN RE: METHYL TERTIARY BUTYL :
ETHER ("MTBE") PRODUCTS :
LIABILITY LITIGATION : **CASE MANAGEMENT**
----- : **ORDER # 99**
This document relates to: :
: **Master File No. 1:00-1898**
New Jersey Department of Environmental : **MDL 1358 (SAS)**
Protection, et al. v. Atlantic Richfield Co., et : **M21-88**
al., Case No. 08 Civ. 00312 :
:
:
Commonwealth of Puerto Rico, et al. v. :
Shell Oil Co., et al., Case No. 07 Civ. :
10470. :
:
----- X



SHIRA A. SCHEINDLIN, U.S.D.J.:

This Order memorializes the rulings made at the February 24, 2012 conference in this matter. A status conference is scheduled for March 30, 2012 at 4:30 p.m.

1. *New Jersey Department of Environmental Protection:*
 - a. Defendants intend to file a motion challenging approximately seventy-five (75) entries in Plaintiffs' privilege logs dated November 17, 2011 and December 1, 2011. Defendants' moving papers are due February 28, 2012. Plaintiffs shall respond by March 13, 2012. Defendants shall reply by March 20, 2012. All of this Court's individual rules of

practice regarding page limits, both for briefs and exhibits, shall apply.

- b. In advance of deposing certain key NJDEP witnesses, Defendants intend to file a motion to determine whether the deliberative process privilege, even if properly asserted, is overcome by their need to know about Plaintiffs' deliberations regarding the risks and benefits of certain oxygenates, including MTBE. Defendants' moving papers are due March 2, 2012. Plaintiffs shall respond by March 16, 2012, and Defendants shall reply by March 23, 2012. In their moving papers, Defendants shall clearly and concisely delineate the questions they intend to ask the NJDEP witnesses. All of this Court's individual rules of practice regarding page limits, both for briefs and exhibits, shall apply.

2. *Commonwealth of Puerto Rico*

- a. Defendants assert that they made certain focus site designations based on inaccurate information that Plaintiffs provided to them. On this basis, Defendants intend to move for a discovery sanction ordering Plaintiffs to dismiss five of their trial site designations. Defendants' moving papers are due March 2, 2012. Plaintiffs shall respond by

March 12, 2012, and Defendants shall reply by March 19, 2012. All of this Court's individual rules of practice regarding page limits, both for briefs and exhibits, shall apply.

- b. Defendants are entitled to designate up to seven additional trial sites in advance of the next status conference.
- c. The parties shall jointly submit a proposed order dismissing all remaining "non-detect" sites from this case, without prejudice.
- d. All PRASA-owned wells for which GIS location co-ordinates were not provided by July 2011 are dismissed from this case, with prejudice.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 28, 2012

-Appearances-

PLAINTIFFS

**For Commonwealth of Puerto Rico, Commonwealth of Puerto Rico
Environmental Quality Board, New Jersey Department of Environmental
Protection, Commissioner of the New Jersey Department of Environmental
Protection, and Administrator of the New Jersey Spill Compensation Fund:**

Aaron R. Dias, Esq.
Thomas P. Gressette, Esq.
Richardson, Patrick, Westbrook & Brickman, LLC
1037 Chuck Dawley Boulevard, Building A
Mount Pleasant, South Carolina 29464
(843) 727-6500

David T. Ritter, Esq.
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
(214) 521-3605

John K. Dema, Esq.
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, Virgin Islands 00820
(340) 773-6142

**For Commonwealth of Puerto Rico and Commonwealth of Puerto Rico
Environmental Quality Board:**

Michael D. Axline, Esq.
Donald B. Mooney, Esq.
Duane C. Miller, Esq.
Miller, Axline & Sawyer
1050 Fulton Avenue, Suite 100
Sacramento, California 95825
(916) 488-6688

Orlando H. Martinez-Echeverria, Esq.
Orlando H. Martinez Law Offices
Centro De Seguros, Suite 413, 701 Ponce De Leon Avenue
San Juan, Puerto Rico 00907
(787) 722-2378

**For New Jersey Department of Environmental Protection, the Commissioner
of the New Jersey Department of Environmental Protection, and the
Administrator of the New Jersey Spill Compensation Fund:**

Leonard Z. Kaufmann, Esq.
Barry A. Knopf, Esq.
Cohn, Lifland, Pearlman, Herrmann & Knopf, LLP
Park 80 Plaza West One
Saddle Brook, New Jersey 07663
(201) 845-9600

Gordon C. Rhea, Esq.
Richardson, Patrick, Westbrook & Brickman, LLC
1037 Chuck Dawley Boulevard, Building A
Mount Pleasant, South Carolina 29464
(843) 727-6500

Liaison Counsel for Plaintiffs:

Robin Greenwald, Esq.
Robert Gordon, Esq.
Weitz & Luxenberg, P.C.
180 Maiden Lane
New York, New York 10038
(212) 558-5500

DEFENDANTS

**For Chevron U.S.A., Equilon Enterprises, LLC, Motiva Enterprises, LLC,
Shell Oil Co., and Texaco Refining And Marketing, Inc.:**

Peter C. Condron, Esq.
Sedgwick LLP
2900 K Street, NW Suite 500
Washington, DC 20001
(202) 204-1000

For Chevron U.S.A. and Texaco Refining And Marketing, Inc.,:

David A. Grenardo, Esq.
Samuel D. Davis, Esq.
King & Spalding LLP
1100 Louisiana
Houston, Texas 77002
(713) 276-7329

For LLC, Equilon Enterprises, LLC, Motiva Enterprises, Shell Oil Co., Shell Company Puerto Rico Ltd., Shell Chemical Yabucoa, Inc., and Shell Trading (US) Company, :

Alec C. Zacaroli, Esq.
Wallace King Domike & Reiskin, PLLC
2900 K Street, N.W.
Harbourside, Suite 500
Washington, DC 20007
(202) 965-6021

Alejandro J. Cepeda-Diaz, Esq.
Jan C. Rodriguez-Munoz, Esq.
Juan A. Marques-Diaz, Esq.
McConnell Valdes LLC
P.O. Box 364225
San Juan, Puerto Rico 00936
(787) 759-9292

For ExxonMobil:

Stephen Joseph Riccardulli, Esq.
McDermott, Will & Emery, LLP

340 Madison Avenue
New York, New York 10017
(212) 547-5000

For Chevron Phillips Chemical Puerto Rico Core, Inc. and ConocoPhillips Company:

Stephen C. Dillard, Esq.
Fulbright & Jaworski, LLP
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5507

Diego Murgia Diaz, Esq.
Edwin R. Cruz, Esq.
Nestor M. Mendez, Esq.
Pietrantonio Mendez & Alvarez LLP
Popular Center, 19th Floor
209 Munoz Rivera Avenue
San Juan, Puerto Rico 00918
(787) 274-1212

For Sunoco, Inc.:

Daniel A. Eisenberg, Esq.
Patrick R. Jacobi, Esq.
Beveridge & Diamond, P.C.
1350 I Street, N.W., Suite 700
Washington, DC 20005
(202) 789-6000

For Citgo Petroleum Puerto Rico Corporation:

Nathan Philip Eimer, Esq.
Eimer Stahl Klevorn & Solberg LLP
224 S. Michigan Ave., Suite 1100
Chicago, Illinois 60603
(312) 660-7601

For Total Petroleum Puerto Rico Corp.:

Elaine M. Maldonado-Matias, Esq.
Jorge A. Galiber, Esq.
Sepulvado & Associates, PSC
252 Ponce de Leon Avenue
Suite 1202
San Juan, Puerto Rico 00918
(787) 765-4949

For Chemical Puerto Rico Core, Inc.:

Maria D. Trelles-Hernandez, Esq.
Pietragello, Bosick & Gordon
One Oxford Centre
Pittsburgh, Pennsylvania 15219
(787) 274-1212

For Hovensa L.L.C., Hess Oil Virgin Island Corporation, Amerada Hess Corp., Marathon Oil Company, and Marathon Petroleum Company LP:

Steven Lawrence Leifer, Esq.
Baker Botts LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 639-7723

For El Paso Corporation and Coastal Eagle Point Oil Corporation:

Dawn Ellison, Esq.
Greenberg Traurig LLP
2101 L Street, N.W., Suite 1000
Washington, DC 20037
(202) 331-3100

For Getty Property Corporation:

John Christie II, Esq.

McMeekin Rawle & Henderson, LLP
The Widener Bldg.
One South Penn Square
Philadelphia, Pennsylvania 19107
(215) 575-4324

For George E. Warren Corporation:

Ira Brad Matetsky, Esq.
Steven J. Shore, Esq.
Ganfer & Shore, LLP
360 Lexington Avenue, 14th Floor
New York, New York 10017
(212)922-9250

For Gulf Oil Limited Partnership:

Anthony A. Orlandi, Esq.
Brian J. Sullivan, Esq.
Goodwin Procter, LLP
53 State Street, Exchange Place
Boston, Massachusetts 02109
(617) 570-1639

Yaniv Heled, Esq.
Goodwin Procter, LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 459-7103

For Getty Petroleum Marketing Corporation and Lukoil Americas Corporation:

Matthew Gerard Parisi, Esq.
Bleakley Platt & Schmidt, LLP
One North Lexington Avenue
White Plains, New York 10601

(914) 287-6184

Liaison Counsel for Defendants:

James A. Pardo, Esq.
Peter John Sacripanti, Esq.
McDermott Will & Emery LLP
50 Rockefeller Plaza, 11th Floor
New York, New York 10020
(212) 547-5583